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Terje Stordalen

Faculty of Theology, University of Oslo
POBox 1023 Blindern, 0315 Oslo, Norway
terje.stordalen@teologi.uio.no

ABSTRACT: This essay engages with Kåre Berge's reflections on book religion in Deuteronomy. It first elaborates upon the concepts of religion and book religion and considers aspects of the literary and rhetorical anatomy of Deuteronomy. Then it argues that the salient point in Deuteronomy is not the text of the Torah as such, but the *doing* of what that text says. This orientation towards religious *practice* is squarely similar to adjacent strands of ancient Hebrew religion. Deuteronomy, however, adds certain religious practices, all of which required the use of (oral or written) texts. The essay argues that Deuteronomy had little potential to generate common religious change, but it could be seen as a force towards changes in religious leadership. Finally, the essay considers the concept of book religion—as a classificatory concept and as an analytical perspective.

Key words: Deuteronomy, Torah scroll, book religion, scribal religion, religious practice

1. *Berge on "Book Religion"*

In a recent essay Prof. Kåre Berge revisits the feasibility of using the concept of book religion for describing the role of the written Torah in Deuteronomy.[1] Berge dates the bulk of Deuteronomy to the early Persian era, holding that the final book may be later.[2] He argues from the observation that the audience in Deuteronomy are not imagined to be *reading* the book; they are to *hear* it. Given the status of literacy and book culture in the early Second Temple period, he finds it to be improbable that common people are imag-

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1. K. Berge, "Dynamics of Power and the Re-Invention of 'Israel' in Persian Empire Judah," in T. Stordalen, and Ø.S. LaBianca (ed.), *Levantine Entanglements: Cultural Productions, Long-Term Changes and Globalizations in the Eastern Mediterranean* (Sheffield: Equinox, 2021), pp. 293-321. See also K. Berge, "Deuteronomy and the Beginning of the Mosaic Torah," in A. Laato (ed.), *The Challenge of the Mosaic Torah in Judaism, Christianity, and Islam* (Leiden: Brill, 2021), pp. 3-18; K. Berge, "Mystified Authority: Legitimating Leadership Through 'Lost Books'," in E. Ben Zvi, and D. Edelman (ed.), *Leadership, Social Memory and Judean Discourse in the Fifth-Second Centuries BCE* (Sheffield: Equinox, 2016), pp. 41-56.
2. Cf. Berge, "Deuteronomy and the Beginning of the Mosaic Torah," pp. 5-9.

ined to be familiar with the actual text of the Torah document. In the fiction of the book (set in the distant past) the document sits beside the Ark, and so remains inaccessible. In the early Second Temple situation, the Ark and the scroll no longer existed. So, the Torah of Moses is represented only by the scroll of Deuteronomy—an item which was also inaccessible to the illiterate majority.[3] Berge interprets all this as a strategy of mystification, designed to accumulate authority for the scribal elite who were in position to read, copy, and interpret the charter document.[4]

On this basis Berge takes issue with the use of the concept of book religion as a general characteristic for "Israelite" faith,[5] providing a timely warning against assuming a general development of cognitive resources brought about by the emergence of writing and literature.[6] His conclusion is that "'book religion' proper is for the small intellectual elite, while to the populace, 'the book' is the […] artifact that gives the elite their authority to teach and decide [on] religious ideology and practice for everybody[…]."[7] To common people the ideology of the Torah of Moses promoted the sense of "a religiously centred culture" where "human problems may be overcome with the aid of transcendent, sacred authority."[8] Since the Torah was available to scribes only, this generated authority for the scribal elites.

Berge's main interest is to analyse that political ideology and point out limits to the use of the concept book religion. He is not equally concerned with defining the scope of that "book religion proper." However, if I understand him correctly, he sees this as a religion where the text took precedence

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3. See Berge, "Mystified Authority," pp. 46-52.

4. Berge, "Dynamics of Power," pp. 296-97, 303-05, 309-14; Berge, "Deuteronomy and the Beginning of the Mosaic Torah," p. 12.

5. Berge refers to K. Schmid, "The Canon and the Cult: The Emergence of Book Religion in Ancient Israel and the Gradual Sublimation of the Temple Cult," *JBL* 131 (2012), pp. 289-305. See also for instance K. van der Toorn, "The Iconic Book: Analogies Between the Babylonian Cult of Images and the Veneration of the Torah," in K. van der Toorn (ed.), *The Image and the Book: Iconic Cults, Aniconism and the Rise of Book Religion in Israel and the Ancient Near East* (Leuven: Peeters, 1997), pp. 229-248; cf. J. Ben-Dov, "Some Precedents for the Religion of the Book: Josiah's Book and Ancient Revelatory Literature," in L.L. Grabbe, and M. Nissinen (ed.), *Constructs of Prophecy in the Former and Latter Prophets and Other Texts* (Atlanta, GA: Society of Biblical Literature, 2011), pp. 43-62. Ben-Dov finds an early impulse in M. Weinfeld, *Deuteronomy and the Deuteronomic School* (Oxford: Oxford University Press, 1972), p. 44, who described a transformation "from a religion of cult to a religion of prayer and confession."

6. Berge, "Dynamics of Power," pp. 309-312 mentions Goody and Ong, and more recently S.N. Eisenstadt, J.P. Árnason, and B. Wittrock (ed.) *Axial Civilizations and World History* (Leiden: Brill, 2005). He is less dismissive, but still critical, towards similarly tilted arguments in J. Assmann, *Das kulturelle Gedächtnis: Schrift, Erinnerung und politische Identität in frühen Hochkulturen* (München: Beck, 1992).

7. Berge, "Dynamics of Power," p. 304.

8. Idem, 304.

over cult and tradition.[9] Book religion "proper" entailed a "change of religious worldview or comprehension" where the religion enshrined in the Torah-document became superior to religion as experienced in daily life.[10]

I find these reflections to be convincing and inspiring. In the following I reflect on two issues in prolongation of Berge's argument: First, what is the precise relationship between religious practice and textual codification in the scribal religion mirrored in Deuteronomy? And secondly, if common people were not acquainted with the actual text, then what kind of change would be legitimated by the scroll? First, however, we need to refine the analytical vocabulary to be employed.

2. *Terminological and Literary Considerations*
2.1. *Book Religion*

There are many reasons why one would agree with Berge's caution about relying on the concept book religion for historical analysis. Those who take the trouble to define the concept tend to include in their definitions practices that rely on widespread book culture, common literacy, and related cultural characteristics found only in the mid-first and especially the second millennium CE.[11] In light of recent scholarship on scribal culture and the interface between literacy and orality in ancient Israel,[12] such assumptions are in real danger of becoming anachronistic. Other scholars define book religion as a cult where a sacred book replaces or transcends the ritual[13]—a situation that was hardly ever the case in mainstream Judaism or Christianity,[14] nor in

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9. Idem, p. 295.
10. Idem, pp. 311-312.
11. See G. Stroumsa. "The Scriptural Movement of Late Antiquity and Christian Monasticism," *JECS* 16/1 (2008), pp. 61-77; W. Burkert, "Im Vorhof der Buchreligionen: Zur Rolle der Schriftlichkeit in Kulten des Altertums," in A. Holzem (ed.), *Normieren, Tradieren, Inszenieren: Das Christentum als Buchreligion*, (Darmstadt: Wissenschaftliche Buchgesellschaft, 2004), pp. 25-39. As one example, B. Lang, "Buchreligion," in H. Cannick, B. Gladigow, and M. Laubscher (ed.), *Handbuch religionswissenschaftlicher Grundbegriffe, Vol. 2*, (Stuttgart: W. Kohlhammer, 1990), pp. 143-65 counts the use of sacred books in public schools, mission, and private reading as proper indications of "book religion".
12. From this extensive scholarship, see for instance W. V. Harris, *Ancient Literacy* (Cambridge, MA: Harvard University Press, 1989); M.S. Jaffee, *Torah in the Mouth: Writing and Oral Tradition in Palestinian Judaism 200 BCE-400 CE* (Oxford: Oxford University Press, 2001); C. Hezser, *Jewish Literacy in Roman Palestine* (Tübingen: Mohr Siebeck, 2001); D.M. Carr, *Writing on the Tablet of the Heart: Origins of Scripture and Literature* (Oxford: Oxford University Press, 2005); C.A. Rollston, *Writing and Literacy in the World of Ancient Israel: Epigraphic Evidence From the Iron Age* (Atlanta, GA: SBL Press, 2010).
13. Schmid, "The Canon and the Cult," p. 289 assumes "a primarily textual focus": The text takes over cultic functions (p. 290), or it prescribes ritual action (p. 292), but is itself not an integrated component of the cult (pp. 291f).
14. J.W. Watts, "Ritualizing Iconic Jewish Texts," in S.E. Balentine (ed.), *The Oxford Handbook of Ritual and Worship in the Hebrew Bible* (Oxford University Press,

Sikhism or Baha'i, for that matter[15]—so this assumption seems altogether misconceived. Some have argued, based on Qur'anic references to "people of the book," to reserve book religion exclusively for naming the Abrahamic traditions.[16] That, however, (in addition to assuming an "Abrahamic" propriety that is not evident) seems to render the concept irrelevant for classifying and interpreting religions.

More importantly, using the concept of book religion entails the risk of disregarding the gross variations in the contents of sacred books and the hugely different roles that canonical books may play in their respective settings.[17] It also entails a danger of over-emphasizing the importance of the text to the effect of disregarding the significance of the social practices that render texts to be accepted and used as sacred.[18] A stark focus on the formally canonical book may also marginalize the roles of secondary canonical collections or authorized commentary (oral as well as written) within a tradition.[19]

Finally, there is an unpleasant Modernist subtext for the concept. Max Müller, commonly seen as the originator of its academic use, identified eight book religions as the "aristocrats" of religions.[20] Later scholars distinguished book religion from cultic religion, assuming that the elevation of the first was the result of a process of evolutionary change.[21] This coincides with a general

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2020) [online]; D.M. Parmenter, "Ritualizing Christian Iconic Texts," in Balentine (ed.), *The Oxford Handbook of Ritual and Worship*, cf. Stroumsa, "The Scriptural Movement," p. 63.

15. On book-focused religions from the second millennium CE., see U. Tworuschka (ed.) *Heilige Schriften: Eine Einführung* (Darmstadt: Wissenschaftliche Buchgesellschaft, 2000).

16. Cf. U. Dehn, "Das Spezifische der «Buchreligionen»," *ZRW* 68/2 (2005), pp. 43-51.

17. See Stroumsa, "The Scriptural Movement," pp. 63-68, cf. J. Rüpke, "Heilige Schriften und Buchreligionen: Überlegungen zu Begriffen und Methoden," in C. Bultmann, C.-P. März, and V. N. Makrides (ed.), *Heilige Schriften: Ursprung, Geltung und Gebrauch* (Münster: Aschendorff, 2005), pp. 194-197; O. Wischmeyer. "Das Heilige Buch im Judentum des zweiten Tempels," *ZNW* 86 (1995), pp. 218-242.

18. See first W.C. Smith, "The Study of Religion and the Study of the Bible," in M. Levering (ed.), *Rethinking Scripture*, pp. 18-28; W.C. Smith, *What is Scripture? A Comparative Approach* (Minneapolis, MN: Fortress Press, 1993). Further literature and argumentation in T. Stordalen, "The Production of Authority in Levantine Scriptural Ecologies: An Example of Accumulative Cultural Production," in Stordalen, and LaBianca (ed.), *Levantine Entanglements*, pp. 324-332.

19. Cf. J. Assmann, and B. Gladigow (eds.) *Text und Kommentar* (München: Fink, 1995).

20. N.J. Girardot, "Max Müller's *Sacred Books* and the Nineteenth-Century Production of the Comparrative Science of Religions," *HR* 41/3 (2002), pp. 224 (n. 23), 226 (n. 26) and 232-235; cf. van der Toorn, "The Iconic Book," pp. 230f.

21. S. Morenz, "Entstehung und Wesen der Buchreligion," *TLZ* 75 (1950), pp. 710-16; J. Leipoldt, and S. Morenz, *Heilige Schriften: Betrachtungen zur Religionsgeschichte der antiken Mittelmeerwelt* (Leipzig: Harrassowitz, 1953), pp. 10f, 56,

tendency, also in present biblical scholarship, to see religion as a *mental* phenomenon; something going on in people's heads rather than in their social and material worlds.[22] This mentalistic view of religion tends to be enhanced with the use of the concept book religion.[23] All in all, therefore, one needs to be aware when using the concept of book religion to interpret the role of writ and print in any religious tradition.

2.2. *Religion*

Even more challenging is the concept of religion.[24] For the current purpose suffice it to say that I do not limit religion to certain ideas or concepts in people's minds, nor to the traces of such concepts in textual materials. Furthermore, the confinement of religion to certain spheres of society and life is a modern phenomenon that cannot be assumed for a premodern society. In short, I see religion as complex constructs of ideas, emotions, memories, practices, artefacts, texts, social formations, and institutions. The followers of religions may relate such constructs to the unseen as well as to everyday aspects of their lives, and individuals and societies tend to associate these constructs with what they find to be fundamental dynamics or values of life. As such, ancient religions played important roles throughout the life and thought of individuals and in the performance of society and culture.

Such complex constructs are difficult to chart and explore, especially when belonging to a distant past and being only fragmentarily documented in written records. When possible, it is methodologically preferable to start analysing any given religion through its institutions and practices rather than

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111; S. Herrmann. "Kultreligion und Buchreligion: Kultische Funktionen in Israel und in Ägypten," *TLZ* 92 (1967), pp. 241-244. See A. Bendlin, "Wer braucht "Heilige Schriften"? Die Textbezogenheit der Religionsgeschichte und das "Reden über die Götter" in der griechisch-römischen Antike," in Bultmann, März, and Makrides (ed.), *Heilige Schriften*, pp. 205-209.

22. See B. Meyer, "Idolatry Beyond the Second Commandment," in B. Meyer, and T. Stordalen (ed.), *Figurations and Sensations of the Unseen in Judaism, Christianity and Islam: Contested Desires* (London: Bloomsbury, 2019), p. 78, with further literature. See further J.W. Watts. "Ritual Legitimacy and Scriptural Authority," *JBL* 124 (2005), pp. 401f.

23. D.N.L Miller. "The Question of the Book: Religion as Texture," *Semeia* 40 (1987), p. 59, ascribed this to "a mighty perspective concerning the function of the written word". Cf. Rüpke, "Heilige Schriften und Buchreligionen," pp. 191-93.

24. Cf. W.C. Smith, *The Meaning and End of Religion* (San Fransisco: Harper & Row, 1962); J.Z. Smith, *Imagining Religion: From Babylon to Jonestown* (Chicago: University of Chicago Press, 1982); T. Asad, *Genealogies of Religion: Discipline and Reasons of Power in Christianity and Islam* (Baltimore, MN: Johns Hopkins University Press, 1993); R.T. McCutcheon, *Manufacturing Religion: The Discourse on sui generis Religion and the Politics of Nostaligia* (New York: Oxford University Press, 1997); T. Masuzawa, *The Invention of World Religions: Or, How European Universalism Was Preserved in the Language of Pluralism* (Chicago, IL: Chicago University Press, 2005).

through its ideas and concepts—although one cannot assume that institutions and practices alone provide a full view of the construct.

2.3. *Fictional and Actual Worlds in Deuteronomy*

In the following I argue that Deuteronomy mirrors, in some way, a historical society. This, however, does not imply that the text is a reliable source for specific historical events. Like Kåre Berge,[25] I see Deuteronomy as fiction, with a phantasmatic story about Moses' reception of the Torah and a utopian or idealizing program for religious behaviour. That program, nevertheless, addresses localized historical moments. The book engages in what seems to be perceived as problems and situations in everyday practical and social experiences, and it reflects social constellations and practices that the audience would imagine to be applicable to actual people in the known world.[26] These "realistic" trajectories of the text constitute what cognitive narrative theory would call a storyworld—indeed "a possible world" projected on the basis of the workings of the actual world, as people knew it.[27]

As opposed to this, the narrative trajectories in Deuteronomy related to Moses' receiving of the Torah are drawn as part of a world that would be exceptional—what modern readers would call a fictional world. The dominant element in these trajectories is the story of how the deity communicated with Moses, who then recorded the divine decrees in the scroll. The extraordinary nature of these events provides authority to the Torah of Moses and hence to the book of Deuteronomy.

This integration of realistic and fictional elements into one storyworld seems to be regular in ancient narrative representations of religion. One particularly clear example is found in the book of Job. The phantasmatic scene of the heavenly council (Job 1,6-12; 2,1-6) is not known to the proponents of the dialogue, who are portrayed in a non-fictional world. And yet Job and his friends are clearly involved in the plot initiated "in heaven." A somehow similar configuration of actual world and exceptional world seems to occur in the fiction of Deuteronomy.

Most importantly, the narrative holding the double-layered storyworld also features an unusually explicit audience world, constituted through the extensive second person addresses throughout the book.[28] Many of these addresses point beyond the storyworld where Israel listens to the speech of Moses. The Moses of the narrative also addresses an audience that are not

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25. Berge, "Dynamics of Power," pp. 306-309.
26. Idem, 304.
27. For storyworld, see D. Herman, *Story Logic* (Lincoln, NE: University of Nebraska Press, 2004), and for "possible world" as "an earlier—and perhaps competing—version of the world deemed actual" see pp. 16-18. Cf. B. Richardson, *A Poetics of Plot for the Twenty-First Century: Theorizing Unruly Narratives* (Columbus, OH: Ohio State University Press, 2019), pp. 2f, seeing mimetic narrative as "a generous conception of realism."
28. No other biblical text has a higher frequency of second person forms - on average more than 10 percent of the vocabulary.

sojourning in the desert but living in the promised land in a sedentary agricul-
tural society. Their daily concerns and projects are different from those of the
nomads in the storyworld. Hence, the audience world is distinct from the
storyworld, and yet this world, too, is double-layered. It has an ideal or fic-
tional stratum, related to the audience rigidly performing the Deuteronomistic
program—what Kåre Berge sees as a utopian element[29]—and it has a stratum
mirroring experiences of everyday agrarian village life.

For an ideology of a mystified Torah-scroll to work, it would have to be
rhetorically attuned to conditions mirrored in the "realistic" trajectories in the
audience world of Deuteronomy. That is the premise for the following in-
quiry and argument. I should add that when recovering the "realism" of these
trajectories, one would ideally confer with comparable literature and with
cultural and social historical knowledge mined from archaeological sources.
In the present format these supportive arguments must remain mostly im-
plicit.[30]

2.4. *The Scroll as a Hinge between Phantasmatic and Everyday Events*

The scroll holding the Torah of Moses serves as a hinge between the phan-
tasmatic and the everyday strata—in the storyworld as well as in the audience
world of Deuteronomy. It links the revelation of the Torah with daily life and
is the basis for the religious program in either world. The expression "this
law" (התורה הזאת) occurs time and again as an index for the regulations that
Moses received in his encounters with the divine.[31] These regulations are the
basis for Israel's life and prosperity in the audience world (cf. ch. 28). And
they are הנגלת לנו ולבנינו עד עולם: "the announcements to us and our children
forever" (29,28).

In seven instances that law is associated with a scroll (ספר) that physically
exists in the storyworld, although it is inaccessible, sitting beside the Ark.[32]
In the storyworld the scroll beside the Ark serves as a witness against the
Israelites (32,46). In the audience world Deuteronomy is the only representa-
tion of the Torah of Moses. The Song of Moses closing this book similarly
serves as a witness against the Israelites (31,19.21). So, the scroll of Moses in
the storyworld and the scroll of Deuteronomy in the audience world both
bind people in actual worlds to obey the divine insights spoken by Moses.

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29. K. Berge, "Literacy, Utopia and Memory: Is There a Public Teaching in Deuter-
onomy?" *JHS* 12/3 (2012), pp. 1-19.
30. For a fuller account on engaging biblical texts in reconstructing perceptions of
everyday experiences, see T. Stordalen, "Local Power and Social Discourse: Villages
in Early Globalizations of the Southern Levant," in Stordalen, and LaBianca (ed.),
Levantine Entanglements, pp. 100f. and Stordalen, "The Production of Authority,"
esp. pp. 340-350.
31. In addition to the list in next note, see also Deut 1,5; 4,8; 27,3.8.26; 29,29; 31,9;
32,46.
32. Deut 17,18; 28,58.61; 29,20; 30,10; 31,24.26.

3. *Religious Practice—and Its Codification*

One critical factor in the interpretation of the role of the scroll in Deuteronomy concerns the relationship between writ and practice. In the storyworld the audience addressed by Moses' speech is in a liminal position, transiting between the momentous experience at Sinai and their destination in the promised land. The nation envisioned in the speech of Moses has yet to be organized, houses and cities are yet to be built, courts to be established, land to be claimed, customs to be enacted as proposed by Moses. In this fiction the text comes first, social realities come second.

In the actual world known by the audience, however, the sequence of the two would have been reversed. Towns had existed and fields had been owned and worked for ages by the time Deuteronomy emerged. Religious institutions, venues, and celebrations prescribed in biblical law (Tetrateuch as well as Deuteronomy) existed long before any Hebrew legal text was written.[33] In general, the purpose of codifying regulations for ritual and law in early history would typically be to stabilize the practices already in session.[34] The making of such codifications did not normally change the practices. Rather the point was the opposite: to secure the continued proper performance of practice. In such a world, practice had historical as well as logical primacy over the codification of such practice.[35] As shall be elaborated below, Deuteronomy aims to reform, not discard, existing religious and legal practices. Hence, in the audience world of Deuteronomy social realities come first, text comes second.

At some point in time this relative order of codification and practice was due to change—possibly in part due to the literary anatomy of Deuteronomy (above). In much later Judaism, as well as in Christianity, ritual and legal decrees of Deuteronomy would retain significance even when there was no religious or legal practice corresponding to the textual prescriptions. The text became a source for truth independently from the religious practices it professes to codify. To my mind, the belief that a text is capable of mediating the sacred *independently from religious practice* is an important indication for the status of a text in religion. It seems to me such a religion approximates what is commonly named book religion.[36]

Karel van der Toorn argued that the notion of a text capable of independently mediating and symbolizing the sacred is, in fact, reflected in biblical literature. He pointed to the Torah as an icon replacing the image of the deity and becoming the object of devotion. Deuteronomy 31,24-29 is central to his argumentation.[37] But does the configuration of text and religious practice in

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33. M. Weinfeld, *The Place of the Law in the Religion of Ancient Israel* (Leiden: Brill, 2004), 34-63, see also Burkert, "Im Vorhof Der Buchreligionen," pp. 28-31.

34. For a more elaborate argument to the same ends, see Watts, "Ritual Legitimacy and Scriptural Authority."

35. See Bendlin, "Wer Braucht 'Heilige Schriften'?" pp. 216-217 (with literature).

36. See note 11.

37. Van der Toorn, "The Iconic Book," pp. 240-48.

the audience world of Deuteronomy correspond to van der Toorn's argument? Or could it be that the programmatic precedence of scriptural codification in the storyworld of the book, along with the supremacy of the text in later religion, has clouded the exegetical judgement?

4. *Text and Religious Practice in Deuteronomy*

Before engaging the details, let me briefly recur to Christoph Uehlinger's timely call for scholars of ancient religion not to over-emphasize diversities so as to underestimate the commonalities in ancient religion. In his view, binary classifications have distorted much scholarship to ancient Levantine religion.[38] It is my impression that a bias towards focusing diversity and distinction has similarly influenced scholarship on Deuteronomistic religion.[39] The following is an attempt to bypass such biases by sticking more closely to the provisional definition of religion provided above.

4.1. *The Torah*

The biblical term *torah* (תורה) is multi-valent.[40] It can name instruction and direction in general, a particular established rule, and also specific bodies of instruction or law, most of these presumably transmitted orally. The word occurs richly across the texts of the Hebrew Bible,[41] and also in other classical Hebrew sources[42]: There can be little doubt that the Torah (in some sense) played roles across different strata of ancient Hebrew religion. Outside of Deuteronomistic literature and prior to the Chronistic corpus there are, however, only few examples taking *torah* to name one specific and comprehensive set of regulations.[43] The notion of Torah as a *book* is rare outside of Deuteronomistic literature, and in biblical literature the expression "Torah of Moses" is found exclusively in Deuteronomistic texts and Chronistic accounts mirroring them.[44] In later classical Hebrew literature the frequency of

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38. C. Uehlinger, "Distinctive or Diverse? Conceptualizing Ancient Israelite Religion in Its Southern Levantine Setting." *HeBAI* 4/1 (2015), pp. 6-9, 22-24. See also C. Uehlinger, "Beyond 'Image Ban' and 'Aniconism': Reconfiguring Ancient Israelite and Early Jewish Religion\s in a Visual and Material Religion Perspective," in Meyer, and Stordalen (ed.), *Figurations and Sensations*, pp. 105, 115-123.

39. Cf. T. Stordalen, "Imagining Solomon's Temple: Aesthetics of the Non-Representable," in Meyer, and Stordalen (ed.), *Figurations and Sensations*, pp. 24-26, 35-36.

40. Cf. for the following *HALOT* ad voc.

41. The word occurs in 214 verses of the collection, distributed across narrative, prophetic, and poetic literature alike.

42. See *DCH* ad voc.

43. Thus Berge, "Deuteronomy and the Beginning of the Mosaic Torah," pp. 10f, with further literature, and similarly also *DCH*. A few references to the "Torah of YHWH" (such as Jer 8,8 and Am 2,4) could be interpreted differently, but the tendency is clear.

44. Josh 8,31-32; 23,6; 1 Kgs 2,3; 2 Kings 14,6; 23,25; Mal 3,22; Dan 9,11.13; Ezra 3,2; 7,6; Neh 8,1; 2Chr 23,18; 30,16.

this phrase seems to be spread more widely.[45] The impression is that in biblical texts prior to and outside of Deuteronomistic literature, *torah* is seen either as priestly tradition or as commonly recognized moral and legal practices (cf. Douglas Knight, below). In later classical Hebrew literature, the Torah is increasingly understood as a text authored by Moses and then, specifically, as the Pentateuch. This means, that in the audience world of Deuteronomy, *torah* would have been commonly known, but not necessarily in its Deuteronomistic version.

4.2. *Short Representations of the Torah*

The addressee in the audience world of Deuteronomy is told to be relentlessly preoccupied with the Torah. They shall have it written on their doorposts (6,9; 11,20) and bound to their arms and foreheads (6,8; 11,18). They should keep the commandments in their heart (6,6; 11,18; 32,46, cf. 26,16; 30,1f.10.14), reciting them at all times and in all situations (6,7; 11,19). If, indeed, these requirements were to be taken realistically, they could not refer to the entire text of Deuteronomy; some form of short representations would have to be used. In the archaeological record of the Second Temple period, one finds phylacteries—small "textual amulets"—holding excerpts of Deuteronomy.[46] Their design suggests they could be worn as text amulets also by functionally illiterate people. A parallel practice of representing the *torah* through oral excerpts is found in early Jewish literature.[47] Deuteronomy mirrors such practices: When referring to the Torah of Moses as a grand totality, it often goes into summary representations of the Torah. For instance, 4,44-49 transits into the Decalogue, and 6,1-3 goes into the *shemaʿ*. The impression is that iconic excerpts serve as sonic artefacts[48] representing the Torah. So, in the audience world of Deuteronomy, the Torah is represented by text artifacts and oral excerpts holding assumably iconic parts of the *torah*. Illiterate people would not become familiar with the text of Deuteronomy from such excerpts, and they also would not need to be able to read the text amulets to accept them as symbolizations of the *torah*—that is: the *torah* as they already knew it.

This indicates not only that the "Mosaic" *text* was outside the reach of the common audience, but also that the scribes made no serious effort to convey that text in its totality. That strategy would correspond to the ideology of the "mystified Torah", leaving access to the charter to a small group of experts

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45. While *DCH ad voc*. lists only seven instances, the Accordance module *Qumran text and grammatical tags* ©1999-2009 Martin G. Abegg, Jr. indicates more than 24 hits.

46. E. Myers, "Phylacteries," in B.M. Metzger, and M.D. Coogan (ed.), *The Oxford Companion to the Bible* (Oxford: Oxford University Press, 1993) [online].

47. J.C. de Vos, "Summarizing the Jewish Law in Antiquity: Examples from Aristeas, Philo, and the New Testament," in A. Laato (ed.), *The Challenge of the Mosaic Torah*, pp. 191-204.

48. For the concept of sonic text, see Stordalen, "Production of Authority," p. 349.

only. More importantly, it indicates that the item providing authority and social momentum is not really the *text* of the scroll. I return to this issue below.

4.3. *Doing the Torah*

The learning of the addressee in Deuteronomy (whether they be common people, family heads, or communal leaders) is not really of a textual nature. God has charged Moses with teaching the Torah in order that the audience should *"do"* it (עשׂה, 6,1). Their remembering, reciting, reflecting, and physically representing the Torah are all for the purpose of keeping (שׁמר) the stipulations (6,2) and observing them diligently (שׁמר לעשׂות, 6,3). The *doing* of the law—rather than learning its text—is the all-dominant aim of the instruction.[49] This is evident also where Deuteronomy refers to the *document* holding the Torah.[50] The same is the case for references to "this law" (התורה הזאת), professedly written by Moses himself,[51] and for passages holding what some scholars call a canon formula: "You may not add to the matters I command you, nor may you subtract from them. Keep the commandments of YHWH your God with which I am charging you." (Deut 4,2).[52] In this fundamental orientation it is difficult to see any difference between Deuteronomistic and other early literature reflecting the role of the *torah* in ancient Hebrew religion.

4.4. *Reforming and Confirming Religious Practice*

Deuteronomy's preoccupation with religious practice is most intense in matters that mark the program of the book, such as the requirements to relinquish all use of figural representations of the divine, to serve only one deity, and to serve exclusively at the chosen place. Requirements for following these practices are written all over the book and need not be documented here. Obviously, in these cases, the book intends to reform already existing religious practices, not to abolish them. The already ongoing worship must be purified.

Deuteronomy's engagement with existing religious practice is by no means limited to its own program, and in other cases its attitude towards existing practices is more forgiving. This is particularly evident where the book deals with what Douglas Knight called customary law,[53] such as laws for the treatment of slaves (15,12-18); for witness practices (19:15-21); for the protection of women and the poor (21,10-17; 24,6-22); for sexual intercourse (22,13-30; 24,1-4); for levirate marriage (25,5-16). The latter occurs in the

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49. See Deut 4,6.40; 5,1; 6,17; 7,11-12; 8,11; 11,1.32; 12,1; 16,12; 17,19; 26,16-17; 28,58; 30,10.16; 31.12; 32,46.
50. Deut 28,58; 30,10 and implicitly in 17,18; 31,26.
51. See for instance 1,5; 17;19; 27,26; 28,58; 29,29; 31,12.
52. See similarly Deut 12,32. Cf. the notion "the complete Torah" in 27,29; 31,24-29.
53. A.D. Knight, *Law, Power, and Justice in Ancient Israel* (Lousiville, KC: Westminster John Knox, 2011), pp. 115-56.

so-called elder laws in the book,[54] possibly a separate body of customary law. In such cases Deuteronomy largely accepts existing legal and religious traditions, attempting to recruit them for Mosaic religion by framing them as having been initiated by Moses.[55] The same goes, for instance, for the appointments of chiefs, elders, and judges (1,9-18; 16,18-20; cf. 17,8-13); for stipulations on warfare and leave of absence (20,1-20; 24,5); and possibly for the allotment of land (3,12-17) and the establishment of refuge villages (4,41-43).

The recognition of existing religious practices is evident also in D's adaption of P material. The precise relationship between these two bodies of literature remains an issue of debate. To my mind, Weinfeld's thesis still makes sense; that the two developed for different purposes and may have existed parallelly.[56] I also follow his argument that while P texts do not reflect much Deuteronomic material, the latter has adapted legislations now found in the P material.[57] In any event, Deuteronomy connects positively for instance to the celebration of the annual festivals (16,1-17), it aims to reform practices of annual offerings (14,22-29; 26,1-15) and of handling unclean animals (14,3-21). It also repeats a version of the Decalogue (5,5-21). This testifies to the significance allotted to already existing religious practices. The same applies to the adaption in Deuteronomy of narratives found in the Tetrateuch, stories that in the audience world would already serve as symbolizations of existing Hebrew religion. Deuteronomy taps into this complex of already existing religious practices, which again confirms its anchorage in already existing Hebrew religion.

It is a common insight that successful revolutions conclude with the dismantling of official symbolizations of the old regime.[58] Deuteronomy clearly follows a different path. In the audience world mirrored in this book massive amounts of religiously charged practices are to remain more or less untouched, while certain specific practices are reformed. This confirms that—in contrast to what is implied for the Israelites in the storyworld—to people in the audience world religious practice took chronological as well as logical precedence over the codification of that practice.

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54. These are conventionally seen to be present in Deut 19,1-13; 21,1-9.18-21; 22,13-21; 25,5-10. For a study of these laws, see T.M. Willis, *The Elders of the City: A Study of the Elders-Laws in Deuteronomy* (Atlanta, GA: Society of Biblical Literature, 2001), and before that H. Reviv, *The Elders in Ancient Israel: The Study of a Biblical Institution* (Winona Lake, IN: Eisenbrauns, 1989).

55. See further Stordalen, "Local Power and Social Discourse," pp. 87-89, 103-105.

56. See Weinfeld, *Deuteronomistic School*, esp. pp. 179-89 (and now also Weinfeld, *The Place of the Law*, esp. pp. 75-94). His categories "demythologization and secularization" may seem anachronistic today, but his observations on the respective profiles of D and P hold true.

57. See Weinfeld, *Deuteronomistic School*, 191-243.

58. A. Forty, "Introduction," in A. Forty, and S. Küchler (ed.), *The Art of Forgetting* (Oxford: Berg, 1999), p. 10: "All successful revolutions end with statues coming down."

4.5. *Adding Religiously Charged Practice*

Importantly, Deuteronomy seems to add a few items to the repertoire of religious practices. One of these is the emphasis upon individual heartiness: to love and fear the deity "with all your heart and soul" (4,29; see similarly 6,5; 7,7; 10,12; 11,13; 13,3; 26,16; 30,2.6.10). The theme of the fear of God in this book (4,10; 5,29; 6,2.13.24; 10,12.20; 13,4; 14,23; 17,19; 25,18; 31,6.8.12f) denotes what Weinfeld called "a constant awareness of God".[59] Similar themes are found also in other biblical literature, but Deuteronomy links the fear and the individual dedication to the Torah in ways not found elsewhere: The Torah is to be "set upon your hearts and your souls".[60]

Related to this is the ubiquitous presence of Moses' commandments, statutes, and ordinances *in mental space*, with representations of the Torah to be worn, spoken, recited, always. This aligns with what David Carr described as an educational program for the cultural elite.[61] And, indeed, teaching and learning the Torah of Moses is another important mental practice added.[62] As Kåre Berge has shown, these descriptions prescribes scribal behaviour for common Israelites, and so may be utopian.[63] For the present purpose, however, the point is that also the scribal engagement with the Torah has the character of being religious *practice*—a new, mentally oriented, way of "doing the Torah" designed to support and enhance the corporeal and social "doing" already in session.

4.6. *Summing Up*

Torah appears to be known to people in the audience world prior to, and independently from the Torah of Moses. The latter is represented to the populace through iconic sonic and written excerpts, and in this setting *torah* appears to be a concept more than a text. The scribes in the audience world have access to the actual text of the Torah, but they seem to make little effort to share that text in its entirety.

The horizon for the engagement with either of these versions of the Torah (of Moses) is the religious *practice* associated to the tradition. The bulk of such practices are legal, moral, and religious ones—mostly shared across ancient Hebrew religious trajectories. In this respect, the significance of the Torah in Deuteronomy is not very different from that in other contemporary strands of Hebrew religion. However, Deuteronomy adds a few mental practices, apparently based on the use of (oral or written) excerpts from the Torah. These mental ways of "doing" the Torah will be the focus of the next section of this essay.

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59. Weinfeld, *Deuteronomistic School*, p. 280.
60. Deut 11,18, see similarly 5,29; 6,2.24; 11,13; 13,4; 26,16; 30,2, etc.
61. Carr, *Writing on the Tablet of the Heart*, pp. 122-61 for biblical examples.
62. Deuteronomy 4, see also Deut 5,31; 6,1; 11,19; 20,18; 31,19; cf. 32,2; 33,10.
63. Berge, "Literacy, Utopia and Memory," pp. 1-4.

5. *The Scribal Religion of Deuteronomy*

Deuteronomy extends the register of religious practice to include the mental domain, (see above). A related novelty is the emphasis upon the *totality* of the law: The Torah of Moses needs to be communicated, taught, and diligently obeyed to the last detail and in its entirety.[64] Neither of these novel orientations can be performed without the use of (oral or written) *texts*. And as regards the concern for the totality of the Torah, it is hard to imagine in the audience world of Deuteronomy any technology better suited for pursuing that aim than a written record. So, the scroll and/or its oral representations have become *necessary for performing the ideal Torah practice*, the *doing the Torah* with "all your heart, all your soul, and all your might" (Deut 6,4).

This does not mean that the text carried all weight of social or religious identification. Religious practice is still the central element (see above). It does not mean that the religion of Deuteronomy is oriented towards concepts and thought rather than towards living practices. Finally, it does not signal a decontextualized religion: The "doing" of the Torah in Deuteronomy would be as much dependent upon physical installations, social organization, and everyday practices and habits as, for instance, priestly religion or town religion headed by elders. It seems to me, therefore, that Weinfeld missed the point when stating that "[t]he purpose of the assembly is […] the hearing of the address, and not the performance of a sacral rite."[65] Sacrality in this religion is obtained precisely through the doing of the law (cf. Deuteronomy 27-28). The use of the text of the Torah—publicly as imagined in Nehemiah 8, or privately as prescribed in Deuteronomy 6,6-9; 11,18-21—is aimed at strengthening that practice. One might say that the individual and collective engagement with the Torah text is merely the tip of the iceberg of this complex, practice-oriented, religious construct.

As I have argued elsewhere, it seems possible that a line stretches from the use of texts in Deuteronomy to the singers contemplating the Torah in Psalms 1,2 and 119, via the pious study of scriptural traditions in Ben Sira, to the ritual recitation of a ספר הגה, a "book of recitation," in Qumran. From there a line runs to the liturgical chant codified in the Masoretic Tanak.[66] So Deuteronomy may, indeed, testify to the onset of a process that eventually would perceive the recitation of the canonical text as a moment of sacrality

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64. See for instance Deut 4,6.8.10.40; 5,31; 9,10; 11,32; 12,28; 17,10.19; 27,3.8; 28,58; 29,28; 30,1; 31,12; 32,44-46. Cf. Berge, "Literacy, Utopia and Memory," p. 4; Berge, "Deuteronomy and the Beginning of the Mosaic Torah," p. 11.

65. Weinfeld, *Deuteronomistic School*, p. 174.

66. T. Stordalen, "Ancient Hebrew Meditative Recitation," in H. Eifring (ed.), *Cultural Histories of Meditation: Western Traditions* (London: Bloomsbury, 2013), pp. 24-28. For further reflections see D. Stökl Ben Ezra, "Bücherlesen Im Jachad Qumrans: Himmlische Bücher zwischen Katekese, kollektivem Studium und esoterischer Geheimschrift," in F.-E. Focken, and M.R. Ott (ed.), *Metatexte: Erzählungen von schrifttragenden Artefakten in der alttestamentlichen und mittelalterlichen Literatur* (Berlin: De Gruyter, 2016), pp. 75-95.

independent of the practices encoded in the text.[67] But the religion reflected (or imagined) in Deuteronomy is not there, and I am not certain it is possible to document this kind of Jewish religious recitation until the medieval age.

6. *Ideology—and Change?*

Finally, we can address the second question formulated at the outset of this essay: If the scroll representing the Torah of Moses was not available to the public, what kind of religious change in the audience world would be legitimated by Deuteronomy?

I take it for granted that the mere presentation of a professedly superb book that the audience were unable to access is not likely to generate much political capital. Local Levantine communities were small polities with social organization, identified leadership, and long-standing values and symbolizations.[68] As seen above, the Torah—be it the Torah of YHWH (Ex 13,9, etc.), the Torah of Moses (Josh 8,31 etc.), or the Torah of the priests (Jer 18,18, etc.)—was apparently widely perceived as a legitimate symbolization of social and religious order, a charter for the community—indeed, "a way of life."[69] So, concepts of Torah already filled a role in the ideologies of local communities. It seems unlikely that such social formations would have yielded political and social agency over claims for a mystified book aiming to reconfigure their view of the Torah.[70] Indeed, it is not even evident that common people would recognize the difference between various concepts of Torah. And, as I shall argue, it also is not clear that elites would wish for them to fully recognize these differences.

To generate credibility for their Torah, the scribes would have to connect to symbolizations and practices that already had social standing. For this purpose, the terminological multivalence of the term Torah may have been an advantage. As seen above, Deuteronomy capitalizes on existing religious practices and perceptions. Pointedly put, it recruits existing social canons as support for its mystified Torah document. Hence, the authority of the Torah of Moses is established differently in the audience world of Deuteronomy from what is portrayed in the storyworld of the book: Within the storyworld, the authority is grounded in the narrative of its divine origin, but in the audience world, the authority of Deuteronomy rests on its relation to existing religious practices and symbolizations. This is the setting for assessing the book's potential for legitimating political change.

A charter text founded on the legitimacy of ongoing practices, could not simply discard those practices, so Deuteronomy's potential for legitimating religious change in the populace would in any event have been limited. More critically, however, as long as the text of the Torah of Moses was inaccessible to the common audience, they would keep drawing their knowledge of

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67. Cf. Berge, "Deuteronomy and the Beginning of the Mosaic Torah," pp. 1-9.
68. Cf. Stordalen, "Local Power and Social Discourse," pp. 86-101.
69. Berge, "Deuteronomy and the Beginning of the Mosaic Torah," p. 3.
70. See note 72.

the Torah from the sources they were already using for access to (their version of) the Torah—such as social and ritual practices, collective memory and habit, or oral traditions. In daily local life the ones responsible for administering the conventional Torah would remain the same: local elders, judges, and priests. In the storyworld of Deuteronomy these leaders were established by Moses, but in the audience world their legitimacy relied on local communities' recognition of their role of representing and interpreting local social *doxa*.[71] This would not have changed simply because of the emergence of a mystified scroll.

The rhetoric in Moses' speech in Deuteronomy leaves the impression of a sharp conflict between the authorial group and common "Israelites"—primarily in the storyworld. If the actual text of the book was not commonly available in the audience world, how would this rhetoric ever reach the populace? And if it did, and if common people had alternative sources for their perception of the Torah, would the harsh portions of Deuteronomy be perceived as a call to obey the Deuteronomistic version of the Torah, or would it be perceived as a call to respect the Torah in general as community charter?

Evidently, there would be a potential for conflict between Deuteronomistic leaders and local communities, for instance if the scribal elite should venture to enforce strict politics of unforgiving aniconic monolatry and religious centralization. However, to the extent that such conflict emerged, one would assume that local habit and ideology would show considerable resilience—as is mirrored in Jeremiah 44.[72] Since such conflicts would in the end potentially undermine the local credibility of the scribes, it seems likely that the elite would avoid too many sharp conflicts of the kind.

For those in position to access more fully the actual text of Deuteronomy, however, the argument of the book might have played out differently. To leaders of ancient Hebrew religion, the evocation of a supreme technology for accessing the totality of the Torah might be difficult to fault—although there were apparently voices trying to do just that (cf. Jer 8,8). Similarly, from the perspective of someone in charge of leading religious ceremonies, the habit of reading representative portions of the Torah in ritual might appear attractive—also for building ethnic identity. Achieving the ability to recite excerpts from the charter text could also be seen as a means for accumulating individual and group social capital. The same might apply for the ability to perform other new mental practices introduced by Deuteronomy (cf. above).

However, all these advantages require that the most advanced performers of Torah religion have scribal learning, which suggests that scribes be better suited as curators of Torah religion. Due to the engagement of superior Torah technology, such a claim might even carry some weight in popular circles—provided that scribal interpretations of the Torah were not too different from the Torah already known by these people. In this setting, the ideology of the

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71. Cf. Stordalen, "Local Power and Social Discourse," p. 103f, cf. pp. 102-107.
72. Idem, 114-116.

mystified scroll *could* be played as a mechanism helping the scribal class to keep the full ramifications of the Deuteronomistic program hidden from the populace until the time was ripe for its implementation.

   All in all, therefore, it seems more likely that Deuteronomy would charter a process of change in religious leadership rather than change in popular religious practice. Tapping into the social legitimacy of already existing versions of the Torah, Deuteronomy initiates a discussion on just how that Torah is best practiced among the upper classes. It seems to me that assuming this as the framework of the rhetoric of Deuteronomy is also better capable of making sense of the role that Levites and priests are given in the regime of the book. Their leadership is recognized but subordinated to the authorial class representing the voice of Moses—all while the portrayal of Levites and priests seems strangely confused, as compared to what is found in Numbers and other biblical literature.[73]

   This paves the way for new perspectives on the reception of the Deuteronomistic program, and ultimately on the canonization of biblical literature. Sylvie Honigman and Ehud Ben Zvi recently suggested that the success of the Deuteronomistic program only took room in Ptolemaic Egypt, and that it was mostly due to specific social conditions for the Jewish minority in that region.[74] Earlier on, scholars like Philip Davies and David Carr have suggested that the collection of literature known as the Hebrew Bible was converted from an elite canon to a popular charter text during the Hasmonean times.[75] I suggest to consider a more complex cultural theory starting from within the practice of Torah veneration. If the above argumentation sticks, it would be only after gradual change in leadership had been effectuated that the program of Deuteronomy would have gained the political potential to become a program for common religious change. Such change would rely on the emergence of religious education for wider parts of the community, and on the gradual development of the roles of writ and documents in Jewish religion. The history of later Second Temple Judaism shows that both programs eventually had considerable effect. However, the conditions for alteration of local practices seem not to have existed in early Persian Yehud.

7. *Book Religion?*

In light of all this, does it make sense to characterize scribal Torah religion reflected in Deuteronomy as book religion? If "book religion" is taken in a

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73. See discussion in N. MacDonald, "Priests, Levites, and Levitical Priests in Deuteronomy," in D.C. Benjamin (ed.), *The Oxford Handbook on Deuteronomy*, 2018 [online].

74. S Honigman, and E. Ben Zvi, "The Spread of the Ideological Concept of a (Jerusalem-Centred) Tōrâ-Centred Israel Beyond Yehud: Observations and Implications," *HeBAI* 9 (2020), pp. 370-397.

75. P.R. Davies, *Scribes and Schools: The Canonization of the Hebrew Scriptures* (Louisville, KY: Westminster / John Knox, 1998); D.M. Carr, *The Formation of the Hebrew Bible: A New Reconstruction* (Oxford: Oxford University Press, 2011). For comments on these, see Stordalen, "Production of Authority," pp. 340-343.

conventional sense—meaning, for instance, a religion where the honouring of the text takes precedence over ritual and other religious practices—then the answer is "no". If, however, "book religion" names a practice-oriented religion that cannot be performed without the use of canonical (oral or written) texts, then perhaps the answer is "yes". But in that case, the book religion of the scribal elite of the early Second Temple period was very different from the book religion described in present-day standard encyclopaedias (see above). Hence, it seems doubtful whether the category is, in fact, suitable as a classificatory analytical concept.

However, the question of the actual use of books and other media in religions can still be a very productive analytical perspective when one remains aware of variations in configurations and of the specifics in each case. By focusing on the materiality of the text, the spread of literacy, and the role of the ideology of the scroll in Deuteronomy Kåre Berge provided an angle from which he was able to productively reflect on the interaction between elite and everyday religion mirrored in that book. I have tried to take his reflections further by expanding them deeper into the social realm and by connecting a little differently to the literary anatomy and rhetoric of the book. All these dimensions, I know from personal experience, have been among Kåre's primary scholarly interests for decades. I can only hope that the above reflections will serve the continued conversation!